

**REGULATIONS REGARDING SCHOOL GUIDANCE  
AND COUNSELING PROGRAMS IN THE  
PUBLIC SCHOOLS OF VIRGINIA**

**WHEREAS**, the Board of Education affirms that parents are a child's first teachers; they have the right to direct the care, education, and development of their children; the public schools should serve to strengthen family and parental support; and

**WHEREAS**, school guidance and counseling are support services designed to promote the academic mission of public education and exist primarily to aid students' academic achievement in elementary and secondary education; and

**WHEREAS**, the Standards of Quality require each local school board to provide pupil personnel services for grades K through 12 to "aid students in their educational, social and career development"; and

**WHEREAS**, the Board of Education has authority to promulgate regulations concerning guidance and counseling pursuant to Article VIII, Section 4 of the Constitution of Virginia and Section 22.1-116 of the Code of Virginia; and

**WHEREAS**, the Board of Education issued a set of proposed regulations, pursuant to the Administrative Process Act, upon which hearings were held on August 8, 1995 at five locations throughout the State; and

**WHEREAS**, there is evident both support for and opposition to; certain of the current guidance and counseling programs and practices through the Commonwealth; and

**WHEREAS**, the Board of Education believes that local school boards are best equipped to set policies involving the scope of guidance and counseling services for the public schools in their communities;

**NOW, THEREFORE**, be it resolved that the Board of Education adopts the following regulations governing school guidance and counseling programs in the public schools of Virginia:

1. Pursuant to the Standards of Quality, each school shall make reasonably available, with available resources, to all students the following guidance and counseling services;
  - a) Academic guidance, which assists students and their parents to acquire knowledge of the curricular choices available to students, to plan a program of studies, to arrange and interpret academic testing, and to seek post-secondary academic opportunities;

- b) Career guidance, which helps students to acquire information and plan action about work, jobs, apprenticeships, and post-secondary educational and career opportunities;
  - c) Personal/social counseling, which assists a student to develop an understanding of themselves, the rights and needs of others, how to resolve conflict and to define individual goals, reflecting their interests, abilities and aptitudes. Such counseling may be provided either (i) in groups (e.g., all fifth graders) in which generic issues of social development are addressed or (ii) through structured individual or small group multi-session counseling which focuses on the specific concerns of the participant(s) (e.g., divorce, abuse or aggressive behavior).
- 2. No student shall be required to participate in any counseling program to which the student's parents object.
- 3. On or before July 1, 1996, each local school board in Virginia shall adopt a policy, consistent with paragraphs 1 and 2 above, concerning school guidance and counseling programs in the schools under its jurisdiction. At a minimum, each local school board policy shall contain the following:
  - a) A provision for written notification, at least annually, to parents about the academic and career guidance and personal/social counseling programs which are available to their children. The notification shall include the purpose and general description of the programs, information regarding ways parents may review materials to be used in guidance and counseling programs at their child's school and information about the procedures by which parents may limit their child's participation in such programs.
  - b) A provision prohibiting the use of counseling techniques which are beyond the scope of the professional certification or training of counselors, including hypnosis, or other psychotherapeutic techniques that are normally employed in medical or clinical settings and focus on mental illness or psychopathology.
  - c) A provision requiring that information and records of personal/social counseling be kept confidential and separate from a student's educational records and not disclosed to third parties without prior parental consent or as otherwise provided by law.
  - d) A provision with respect to personal/social counseling, setting forth either (i) the procedure by which parents can elect in writing to have their child not participate ("opt-out") or (ii) at the option of the local school board, if the local board determines that affirmative parental consent is required to

participate in such counseling (“opt-in”), the procedures by which such affirmative consent may be given and withdrawn. In issuing such policy, the local board may distinguish between group and individual or small group counseling as defined in section 1(c). In no event shall a local board require affirmative parental consent for short duration personal/social counseling, which is needed to maintain order, discipline or a productive learning environment.

- e) In the event that the local board elects to require affirmative parental consent (“opt-in”) under (d) above, a provision setting forth the procedures, if any, under which school officials may permit personal/social counseling for children whom they believe would benefit from such counseling, but whose parents fail to respond either affirmatively or negatively reasonable requests for consent.
  - f) Such other provision at the local school board may deem appropriate.
4. Before adopting any such policy, or any amendment thereto, each local school board shall provide for public participation and comment.